

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD L. BRICKER,)
Plaintiff,) 2:08cv1053
v.) Electronic Filing
CAPT. GEORGE A. KUZILLA, Pennsylvania State)
Police Troop D; JOHN S. SHAFFER, Executive)
Deputy Secretary; JUDITH VIGLIONE, Director;)
DR. JEFFREY A. BEARD, Secretary; WILLIAM)
D. SPRENKLE, Executive Secretary; JAMES)
BARNACLE, Director; DAVID S. NOVITSKY,)
Deputy Director; MICHAEL W. HORLOW,)
Superintendent; DEPUTY MAHLEMISTER;)
CAPT. RUSSELL WILSON, Security; LT.)
GIDDINGS, Officer; CO. EXLEY, Guard; CO.)
WALMSLEY, Guard; CO. WOOD, Guard; Mr.)
APPLEGARTH, CCII; WILLIAM (BILL) WOODS,)
Unit Manager; SGT. WALKER, Official;)
RANDALL PEEVEY, Inmate; THOMAS)
MILLIRON, Inmate; THOMAS W. CORBETT, JR.,)
Attorney General; and ALL JOHN AND JANE)
DOE'S,)
Defendants.)

MEMORANDUM ORDER

The above captioned case was initiated on July 29, 2008, by the filing of a Motion to Proceed In Forma Pauperis (Document No. 1) accompanied by a Complaint. It was originally assigned to Magistrate Judge Lisa Pupo Lenihan, but was reassigned to Judge David S. Cercone on October 7, 2008, upon the filing of an appeal of a Magistrate Judge ruling. The case was referred back to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (Document No. 121), filed on April 8, 2010, recommended granting the Motion to Dismiss filed by Defendants Zetwo, Kuzilla, Ruffo, Cole, and Ayers (Document No.103). Plaintiff filed Objections on April 28, 2010 (Document No. 125). After a *de novo* review of the pleadings and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

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AND NOW, this 26 day of August, 2010;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants Zetwo, Kuzilla, Ruffo, Cole, and Ayers (Document No. 103) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Document No. 121) of Magistrate Judge Lenihan, dated April 8, 2010, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**. Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure if he so desires.

D. Cercone

David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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